

G.S. 153A-340 (b)(2)

“Include the production and activities relating or incidental to the production of...”

1. A structure whose sole use is for the operation of the farm and selling of goods produced on the farm is not subject to zoning and therefore not subject to the setback requirements. However this excludes the owners from operating any business other than the general operations of the farm from said structure. If the structure also houses the retail outlet of the farm, no more than 49% of projected or actual revenue can come from the sale of goods not produced on the farm. If this occurs the building then loses its agricultural status and becomes subject to zoning and the setback requirements

2. *“Farm property used for non-farm activities may be subject to zoning.”*

The previous decision involving the horse arena in Green Creek is subject to zoning because:

It does not produce horses. A riding arena is not a prerequisite for a horse's survival. Fields used as pastures, used for the production of hay, feed, or water are agricultural by right. A stable or barn providing permanent housing for horses would be agricultural, the same way a house is residential, but temporary lodging for horses is the same as a hotel is subject to commercial zoning.

The opinion of:

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